



Ruthanne Fuller
Mayor

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STAFF MEMORANDUM

Meeting Date: **Wednesday, September 11, 2024**

DATE: September 5, 2024

TO: Urban Design Commission

FROM: Shubee Sikka, Urban Designer

SUBJECT: Additional Review Information

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development's intention is to provide a balanced view of the issues with the information it has at the time of the application's review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit, Fence Appeal applications or Design Reviews.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff's recommendations for these items.

I. Roll Call

II. Regular Agenda

Sign Permits

1. 740 Beacon Street – The Green Lady Newton Centre Cannabis Dispensary

PROJECT DESCRIPTION: The property located at 740 Beacon Street is within a Business 2 zoning district and has a sign plan authorized by a special permit via Board Order #125-21, dated December 20, 2021 (attachment A and B). The applicant is proposing to install the following sign:

- One free-standing principal sign, non-illuminated, with 16 sq. ft. of sign area perpendicular to Union Street.

TECHNICAL REVIEW:

- This business has one existing sign:
 - One wall mounted principal sign, internally illuminated, with 50 sq. ft. of sign area on the northern façade facing Union Street. If the free-standing sign is approved, this existing sign will become the secondary sign.
- Per Zoning Ordinance §6.10.3. Registered Marijuana Use, “E.6. *All signage shall conform to the requirements of 105 CMR 725.105(L) and 935 CMR 500.105(4) and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood*”.
- The proposed free-standing principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding, the maximum size of the sign allowed is 35 sq. ft. and height of 16 feet, which the applicant is also not exceeding. Per Zoning ordinance §5.2.13 “A. *In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.*
B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.” Applicant will need a special permit to allow the free-standing sign.
- The photos submitted by the applicant also show a sandwich sign, which is not allowed as per the ordinance.

STAFF RECOMMENDATION: Staff seeks recommendation regarding from UDC to the Land Use Committee of the City Council regarding the proposed free-standing principal sign. Applicant will also need to remove the sandwich board sign.

2. 269-287 Grove Street – Multiple Signs

PROJECT DESCRIPTION: The property located at 269-287 Grove Street is within a Business 4 zoning district. This development is subject to Board Order #40-97(2) and #512-99 (attachment C) for signage. The applicant is proposing to install the following signs:

1. Reface one free-standing sign, externally illuminated, with approximately 62 sq. ft. (22'-5"x2'-9") on the fieldstone wall that is 132 sq. ft. (25'-5" x 5'-2") facing Grove Street. This free-standing sign includes the following signs:
 - a. 275 Grove
 - b. Health Advances
 - c. TechTarget
 - d. Parexel
 - e. Siemens Healthineers
2. One free-standing principal sign for Kendall Kitchen, non-illuminated, with approximately 24 sq. ft. of sign area facing Grove Street.
3. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the eastern building façade facing Grove Street.
4. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the western building façade facing the side parking lot.
5. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the southern building façade facing the rear parking garage.

TECHNICAL REVIEW:

- This property is subject to Board Order #512-99. The board order is to allow a free-standing sign. The drawings show that a free-standing sign of 30 sq. ft. on a fieldstone wall was approved. Applicant is proposing a 62 sq. ft. sign. The proposed reface appears to be not consistent with the special permit. Applicant will need to apply for an amendment to allow this free-standing sign.
- As per condition #9 of Board Order #40-97(2), *"That services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the public. There shall be no advertising of such uses on the exterior or grounds of the office building. The accessory restaurants shall meet all applicable Health Department requirements."* Applicant will need to amend the special permit to also allow a sign for Kendall Kitchen.
- The three proposed secondary signs appear to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding. Staff has requested the applicant to provide façade frontage but hasn't heard back.

STAFF RECOMMENDATION: Staff seeks recommendation from UDC to the Land Use Committee of the City Council regarding the proposed reface of the existing free-standing sign and Kendall Kitchen free-standing sign. Staff will provide a recommendation about the three secondary signs after receiving the façade frontage.

3. 7 Hereward Road – John W. Weeks House

PROJECT DESCRIPTION: The property located at 7 Hereward Road is within Multi Residence 3 zoning district. The applicant is proposing to install the following sign:

1. One free-standing principal sign, non-illuminated, with approximately 28 sq. ft. (57” x 71”) of sign area at the driveway entrance from Hereward Road.

TECHNICAL REVIEW:

- The proposed free-standing principal sign appears to be not consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and the maximum size of the sign allowed is 20 sq. ft., which the applicant is exceeding. However, the applicant has indicated that John W. Weeks House is a non-profit organization which may qualify as a “Dover” institution, the applicant will need to seek a “Dover waiver” to allow a free-standing sign area than would be allowed by §5.2.7. Staff has requested the applicant to provide a copy of 501(c)(3) for the organization to determine that.

STAFF RECOMMENDATION: Staff will provide a recommendation after receiving the of 501(c)(3) for the organization.

Fence Appeal

1. 6-8 Charles Street, Unit 6

PROJECT DESCRIPTION: The property located at 6-8 Charles Street; Unit 6 is within a Multiple Residence 2 district. The applicant is proposing the following fence:

- a) Front Lot Line — The applicant is proposing to replace add a fence, set 2 feet from the front property line, 6 feet tall solid green wood grain vinyl fence, 80 feet in length.

TECHNICAL REVIEW:

The proposed fences along the front property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

According to §5-30(d)(1), “Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line.”

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City’s Fence Ordinance. The proposed fence, however, must be found to comply with the “requirements of this ordinance, or if owing to conditions especially affecting a particular lot,

but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise.” The UDC must also determine whether the “desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good.”

The applicant is seeking an exception to allow 6-foot-tall solid fence at the front property line for a length of 80 feet, where the ordinance would permit such a fence to be 4 feet tall solid with 2-foot lattice.

The applicant’s stated reasons for seeking this exception are *“Our property is on the corner of the Charles Street and Elliot Street. The side of the property backyard faces Elliot street with Newton Public Works facility just across Elliot street (highway division).*

Our property is directly across the entrance driveway leading into this facility with substantial traffic of heavy road maintenance vehicles going in and out of the facility...Elliot street is noisy in general, but this section of the street is particularly noisy at times. We would like some additional sound insulation provided by 6ft privacy fence.

The existing fence is parallel to Elliot street, is set back 2 feet from the public sidewalk and is old open-top wooden fence that needs to be replaced.

Several of the neighboring houses have full privacy fence (or sections) along Elliot street and I think it would be fair if we were allowed the similar level of comfort and noise protection.”

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff’s technical review, planning department seeks recommendation from the Commission.

2. 126 Parker Street

PROJECT DESCRIPTION: The property located at 126 Parker Street is within a Single Residence 3 district. The applicant has added the following fence:

- a) South Front Lot Line (South Fence)— The applicant has added a fence, set at the south front property line, 4 feet tall cedar baluster fence, 31 feet in length.
- b) South Front Lot Line (Tapered South Fence) - Applicant has added a fence that tapers from 4 feet to 6 feet with a 1-foot open top baluster fence, set at the front property line for a length not specified.
- c) Corner Front Lot Line (Corner Fence)— The applicant has added a fence, set at the southwest corner front property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 5 feet in length.
- d) West Front Lot Line (West Fence)— The applicant has added a fence, set at the west front property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 5 feet, 48 feet and 39 feet in length, for a total length of 92 feet.

- e) North Side Lot Line (North Fence)— The applicant has added a fence, set at the north side property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 32 feet in length.
- f) East Side Lot Line (East Fence)— The applicant has added a fence, set at the north side property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 58 feet in length.

The application says that the fence is installed on the property line, but it appears that it is setback in some locations. Staff has asked the applicant about it but hasn't heard back yet.

TECHNICAL REVIEW:

The built fence (South Fence) along the front property lines appears to be consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

The built fences (Tapered South Fence, Corner Fence, West Fence) along the front property lines appear to be not consistent with the fence criteria outlined in §5-30(d)(1) and §5-30(f)(7) of the Newton Code of Ordinances.

Part of the built fence (North Fence) along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

The built fence (East Fence) along the side property line appears to be consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

According to §5-30(d)(1), "Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line."

According to §5-30(d)(2), "Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line."

According to §5-30(f)(7), "Visibility on Corner Lots. No fence shall be erected or maintained on any corner lot as defined in Section 30-1 of the Revised Ordinances, as amended, in such a manner as to create a traffic hazard. No fence on a corner lot shall be erected or maintained more than four (4) feet above the established street grades within a triangular area determined by each of the property lines abutting each corner and an imaginary diagonal line drawn between two points each of which is located twenty-five (25) feet along the aforesaid property lines of said lot abutting each of the intersecting streets as illustrated in the diagram below. The owner of property on which a fence that violates the provisions of this section is located shall remove

such fence within ten (10) days after receipt of notice from the Commissioner of Inspectional Services that the fence violates the provisions of this section and creates a traffic hazard in the judgment of the City Traffic Engineer.”

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City’s Fence Ordinance. The proposed fence, however, must be found to comply with the *“requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise.”* The UDC must also determine whether the *“desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good.”*

The applicant is seeking an exception to allow a tapered 4 to 6-foot tall (with 1 foot lattice) cedar fence at the front property lines for a length not specified, where the ordinance would permit such a fence to be 4 feet tall.

The applicant is seeking an exception to allow 6-foot tall (5 feet tall solid and 1 foot lattice) cedar fence at the front property lines (Corner Fence and West Fence) for a length of 5 + 5 + 48 + 39 feet for a total of approximately 97 feet, where the ordinance would permit such a fence to be 4 feet tall.

The applicant is seeking an exception to allow 6-foot tall (5 feet tall solid and 1 foot lattice) cedar fence at the side property line (North Fence) for a length of 32 feet, where the ordinance would permit such a fence to be 4 feet tall which is within 2 feet of the front property line. Height of 6 feet is allowed for rest of the 30 feet fence length.

The applicant’s stated reasons for seeking this exception are *“This is written as part of my fence appeal process regarding a fence that was installed to replace my 27-year-old one. During a spring storm this year, two panels of my fence on the Parker street side came down. Upon closer inspection, it was clear that some parts of the fence needed to be replaced. One of the requirements in the appeal is my notification to all abutters that are within 100 feet of my property.*

Let me give you some background: I have lived at 126 Parker Street, Newton Centre for 46 years. I am among the oldest residents both in terms of age, being 78 years old and the length of time I have resided in this wonderful neighborhood. In 1994 and in 1997 I adopted my children from China. Physical safety for children is always the first priority for any parent. To that end, 27 years ago I installed a 6' "Brattle Street" fence on my property so that my girls could play safely in my yard.

Let me describe my Parker Street location in terms of safety for children. As you already know, either as residing on Parker Street or in the Glenwood Ridge neighborhood, Parker Street is a highly trafficked street which is a major connecting route between Route #9 and downtown Newton Centre. Even after the installation of traffic signals close to my house, major speeding continues with drivers ignoring the traffic signals at all times of day and night. Therefore, when needing to replace my fence this year, I chose the same type of 6' fence for the Parker Street side

for the same reasons, to address the safety issues for my three-year granddaughter who is living with me. Please note: the fence on the Parker Street side is placed on my front property line because I have three very large, established maple trees whose root systems are very close to my front property lines. See attached photos.

My replacement fence was installed on June 13th and June 14th of this year by the Reliable Fence Company. Note: This fence company has installed many fences in Newton. They did not notify me that a Newton ordinance had been passed in 2020 which forbids 6' fences being installed on the front side of a house.

On June 26th, I received an orange "Zoning Enforcement Notice" regarding installing a fence without a permit. I immediately called Andrew Mavrelis from the Newton Inspectional Services who informed me that I needed a permit to install a fence and that a fence on the front side of a house could not be 6' high. This city-wide ordinance had been passed in 2020. When I asked him the reasons for this ordinance, he stated that "people do not like not being able to see into someone's property" that "they feel shut out." It should be noted that in every major connecting street in Newton— Beacon, Centre, Homer, just to name a few— 6' high fences on the front side of homes are often the norm. I was told by Mr. Mavrelis that an anonymous person had reported that my replacement fence did not meet the 2020 ordinance. I am on excellent terms with my neighbors, so I was puzzled why someone did not come to me directly during the two days that the fence was being installed. Receiving the zoning enforcement notice on 6/26 after I had already installed and paid \$21,820 for the unpainted fence (\$28,520 when painted) was very concerning to me. It would be a financial hardship for me to replace portions of the new fence.

To summarize: I was not aware of the 2020 fence ordinance before my replacement fence was installed and paid for; I was replacing a 6' fence that had been there for 27 years; the fence was installed on June 13th and 14th, but I did not receive the violation notice until June 26th; putting the fence two feet back from my front property line is not possible given the three mature maple trees whose root systems reach out close to the property line; and the most important reason for having a 6' high fence on the Parker side of my property is to provide safety for my 3 year old granddaughter so she would be able to play safely in my yard."

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff's technical review, planning department seeks recommendation from the Commission.

III. Old/New Business

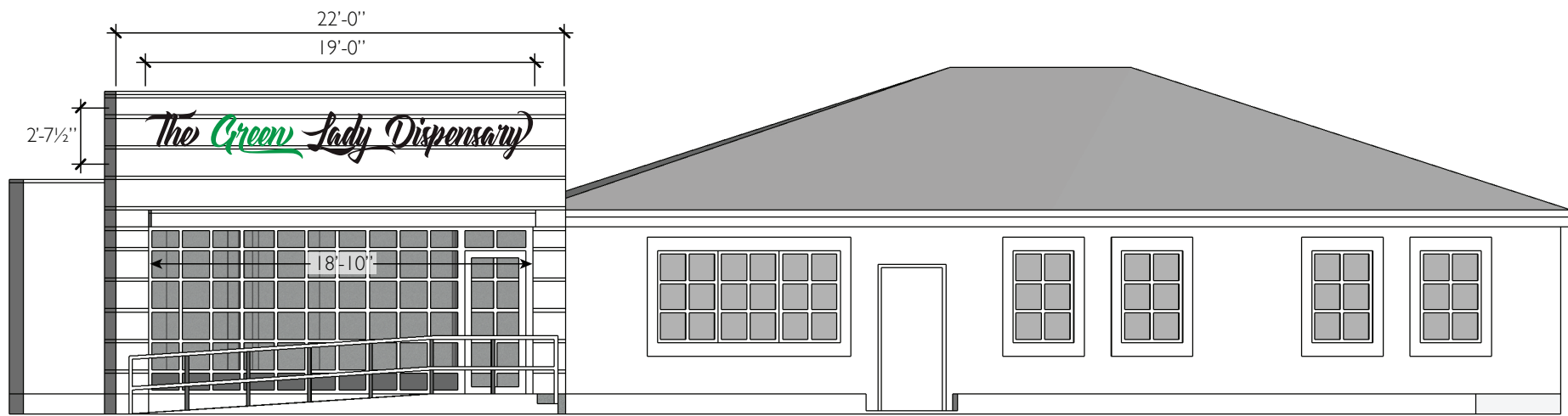
1. Sign Ordinance and Policy Changes

2. Approval of Minutes

Staff will email the meeting minutes for August meeting before September 11 UDC meeting.

Attachments

- Attachment A – 740 Beacon Street Sign Plan
- Attachment B – 740 Beacon Street Board Order
- Attachment C – 269-275 Grove Street – Board Order #512-99 and Drawings



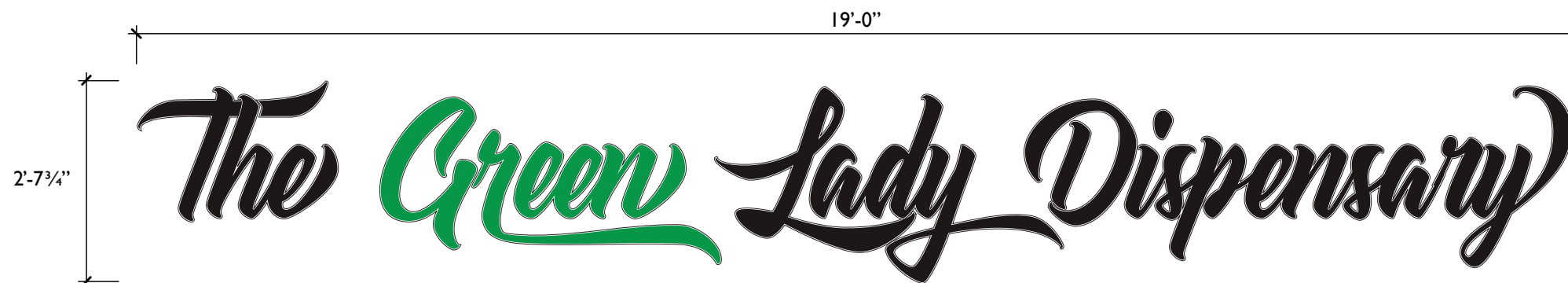
BEACON STREET ELEVATION
SCALE: 1/8" = 1'-0"

Exterior Internally Illuminated Channel Letters

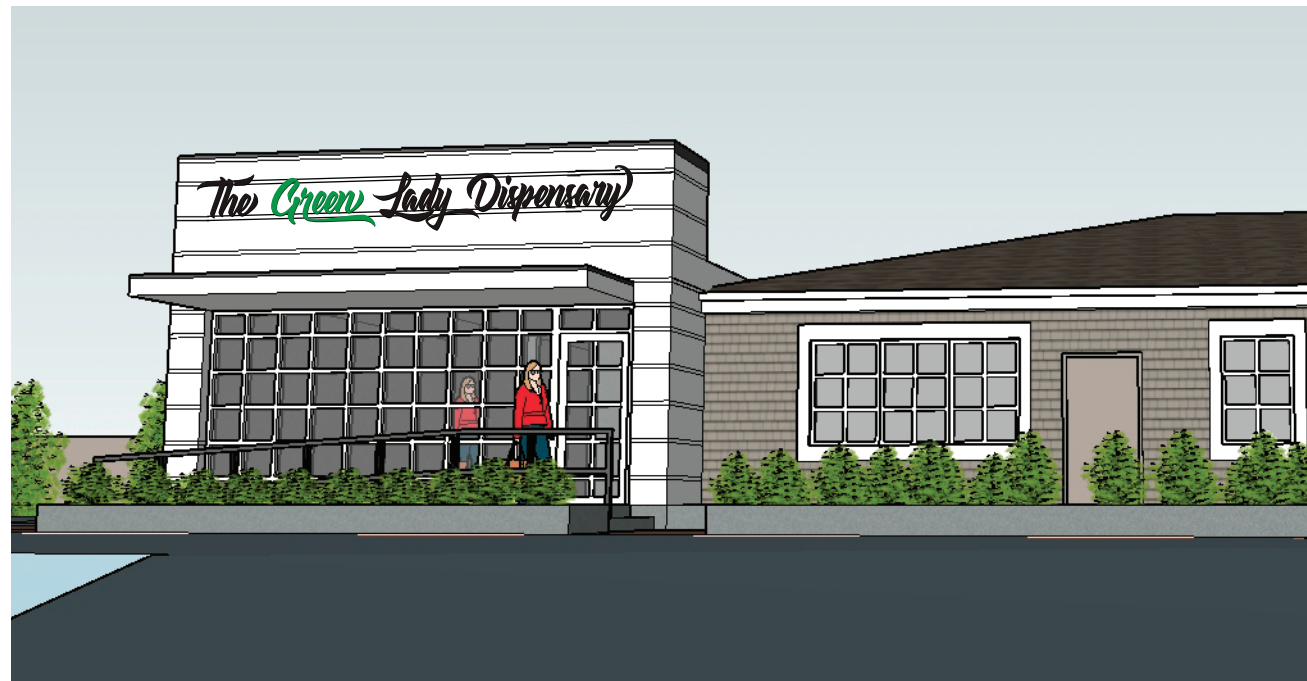
Furnish and Install (1) one set of individual face-lit channel letters consisting of translucent acrylic faces; Black during the day, illuminates white at night; Green faces will illuminate green at night. Individual channel characters will have aluminum returns and backs, sides painted white. Internal LED illumination with remote power supplies, UL approved. All letters will be mechanically fastened on building fascia via concealed non-corrosive fasteners.

Signage is 2'-7 3/4" x 19'-0"

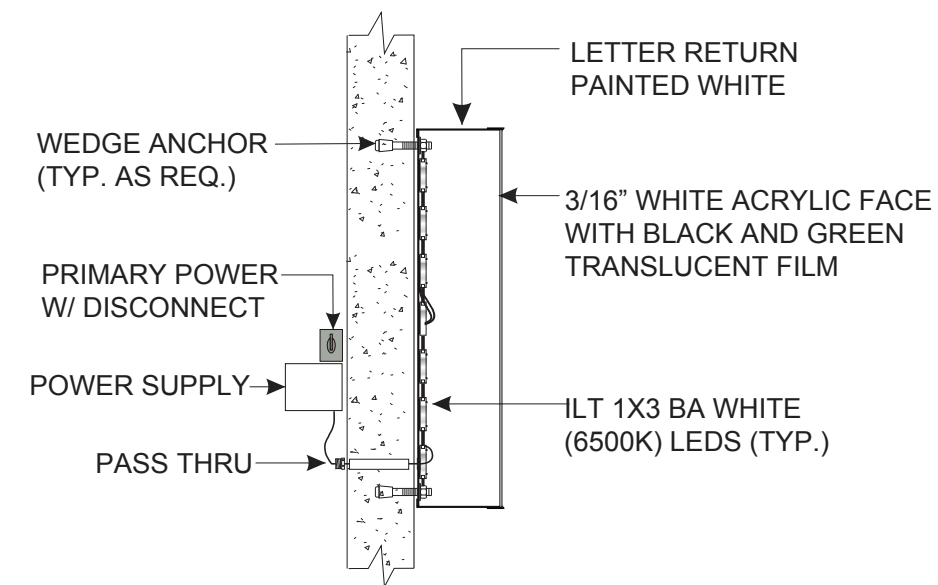
Total: 50.27 square feet



SIGN DETAIL
SCALE: 1/2" = 1'-0"



COMP
SCALE: NTS



SECTION VIEW
SCALE: NTS

PROJECT: THE GREEN LADY DISPENSARY 740 BEACON ST., NEWTON, MA

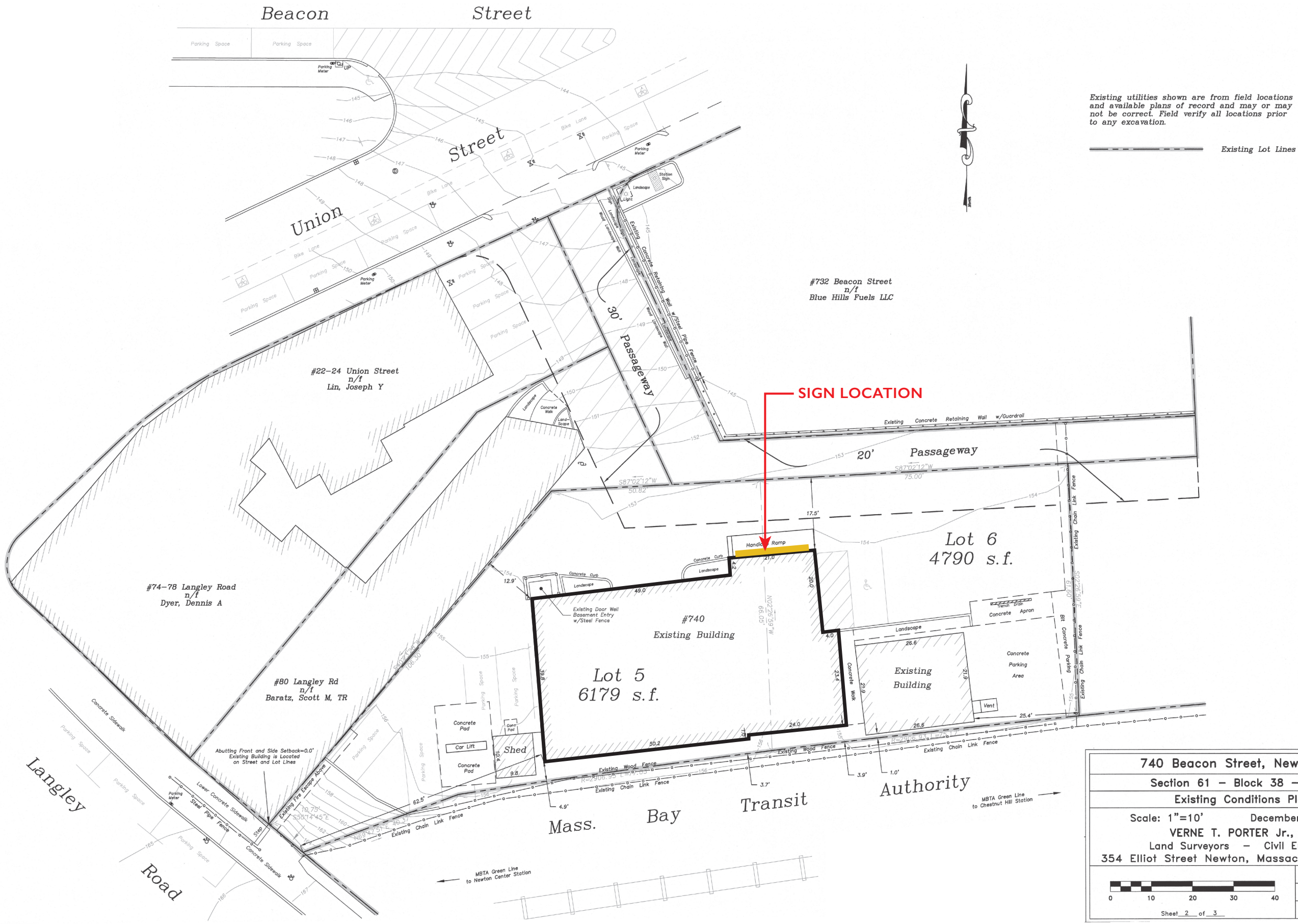
DATE: MARCH 1, 2021 SCALE: VARIES APPROVAL:

SIGNWORKS GROUP 60 ARSENAL STREET WATERTOWN MA 02472

f 617.924.0279

SWG-INC.COM

SWG



740 Beacon Street, Newton, MA	
Section 61 - Block 38 - Lot 5	
Existing Conditions Plan	
Scale: 1"=10'	December 21, 2020
VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464	
Sheet 2 of 3	
Project: 20019	
Checked By: V. Porter Jr.	
Drawn By: R. Jardine Jr.	

SITE PLAN

PROJECT: THE GREEN LADY DISPENSARY 740 BEACON ST., NEWTON, MA

DATE: MARCH 1, 2021 SCALE: VARIES APPROVAL:

SIGNWORKS GROUP 60 ARSENAL STREET WATERTOWN MA 02472

f 617.924.0279

SWG-INC.COM

SWG

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 6291
Document Type	: DECIS
Recorded Date	: January 12, 2022
Recorded Time	: 11:25:38 AM
Recorded Book and Page	: 79522 / 159
Number of Pages(including cover sheet)	: 12
Receipt Number	: 2771244
Recording Fee	: \$105.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

#125-21
740 Beacon Street

CITY OF NEWTON

IN CITY COUNCIL

December 20, 2021

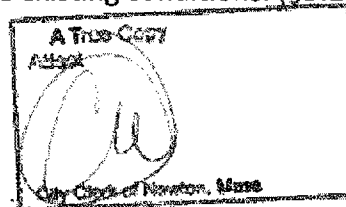
RECEIVED
2021 DEC 22 AM 11:38
CITY CLERK
NEWTON, MA. 02459

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a marijuana establishment, to allow parking in the side setback, to reduce minimum aisle width requirement for two-way traffic, to allow assigned parking, to waive one parking stall, to waive perimeter screening requirements, to allow non-accessory parking, and to waive the lighting requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed marijuana retailer due to its location in the Business 2 zoning district and proximity to mix of uses contained within Newton Centre. (§7.3.3.1)
2. The specific site is an appropriate location for the waiver of one required parking stall due to the availability of public parking within the Newton Centre. (§7.3.3.1)
3. The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood because the site is adjacent to commercial uses. (§7.3.3.2)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the petitioner is limiting on-site parking, thereby reducing vehicle trips to the site. (§7.3.3.3)
5. There will be no nuisance or serious hazard to vehicles or pedestrians due to the internal site improvements and the petitioner's proposed parking arrangement. (§7.3.3.4)
6. Assigning the parking stalls on the western side of the structure to only employees is in the interest of safety to minimize vehicular trips to the site and limit to users with lower turnover. (§5.1.3.E, §5.1.13)
7. A waiver of one parking stall is in the public interest because the stall will accommodate parking for a nearby business. (§5.1.4, §5.1.13)
8. Literal compliance with the lighting and screening requirements of parking facilities containing more than five stalls are in the public interest due to its location in a Village Center and the site conditions requiring relief which reflect the existing conditions. (§5.1.13)

740 Beacon Street, Newton Book 63940, page 141



9. Parking in the side setback and reducing the minimum aisle width for two-way traffic is in the public interest due to its location in a Village Center and the site conditions requiring relief which reflect the existing conditions. (§5.1.13)

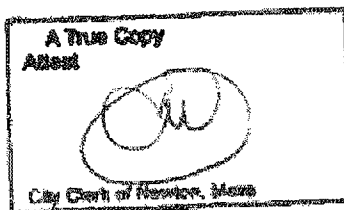
With regard to special permits concerning the Marijuana Establishment on site, pursuant to (§6.10.3.H.1.):

10. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation due to its location in Newton Centre, its internal improvements for alternate modes of transportation. (§6.10.3.H.1.a)
11. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
12. The Marijuana Establishment is designed to minimize any adverse impacts on abutters because the petitioner is renovating the existing structure and its parking arrangement will reduce vehicle trips on site. (§6.10.3.H.1.c)
13. The Marijuana Establishment has satisfied all of the conditions and requirements in this section. (§6.10.3.H.1.d)

Additional criteria for Marijuana Retailers (§6.10.3.H.2):

14. The lot location complies with Sec. 6.10.3.F.1. (§6.10.3.H.2.a)
15. Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Retailer will not create a significant adverse impact on nearby uses as demonstrated by the petitioner's traffic impact assessment and the City's on-call consultant. (§6.10.3.H.2.b)
16. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior; the structure complies with the transparency requirement. (§6.10.3.H.2.c)
17. The building and site are accessible to persons with disabilities. (§6.10.3.H.2.d)
18. The lot is accessible to regional roadways and public transportation. (§6.10.3.H.2.e)
19. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.H.2.f)
20. The Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.H.2.g)





#125-21
740 Beacon Street
Page 3 of 11

PETITION NUMBER: #125-21

PETITIONER: The Green Lady Dispensary II

LOCATION: 740 Beacon Street, on land known as Section 61 Block 38 Lot 6, containing approximately 10,969 square feet of land

OWNER(S): 740 Beacon Street, LLC

ADDRESS OF OWNER(S): 14 Sheafe Street
Newton, MA 02467

TO BE USED FOR: Marijuana Retailer

CONSTRUCTION: Concrete

EXPLANATORY NOTES: Special Permit per §7.3.3 of the Newton Zoning Ordinance to:

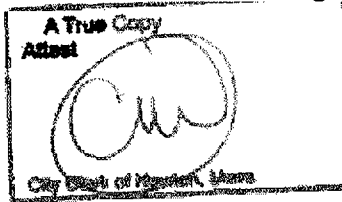
- allow a marijuana retailer (§6.10.3.D, §4.4.1)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- reduce the minimum aisle width requirement for two way traffic (§5.1.8.C.1, §5.1.13)
- allow non-accessory parking (§4.4.1)
- waive one parking stall (§5.1.4, §5.1.13)
- allow assigned parking (§5.1.3.E, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive the lighting requirements (§5.1.10, §5.1.13)

ZONING: Business 2 District

The prior Special Permit/Site Plan Approval governing this property is #70-14. This Special Permit/Site Plan Approval supersedes #70-14. As such, #70-14 is null and void.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
 - a. A plan entitled "740 Beacon Street, Proposed Conditions Site Plan," dated December 21, 2020, most recently revised November 11, 2021, prepared by Verne T. Porter.



#125-21

740 Beacon Street

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- b. Architectural plans entitled "The Green Lady Dispensary II" prepared by SHED Studio, signed and stamped by Rachmimala Ramaswamy, Registered Architect, comprised of the following sheets:
 - i. Proposed Floor Plan (A.1.b), dated March 30, 2021
 - ii. Proposed Front Elevation and Transparency Diagrams (A.1.c), dated March 30, 2021
 - iii. Exterior Elevations (A-2B), dated March 30, 2021
- c. Sign Plan, prepared by Signworks Group, dated March 1, 2021, comprised of the following sheets:
 - i. Sign Details, page 1
 - ii. Sign Location, page 2
- d. Photometric Plan, prepared by Robert J. Lindstrom, dated March 24, 2021,

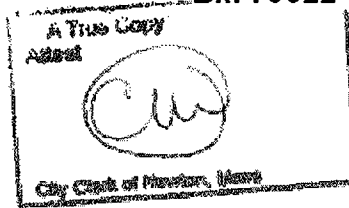
2. The petitioner shall see all visitors of the Marijuana Retailer on an appointment only basis. Given that the petitioner requires each customer to be served individually by a customer service representative, the "appointment only" requirement is intended to ensure a smooth flow of customers arriving to and leaving from the site, to avoid customer waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate customer volume.

The petitioner may use reasonable flexibility to accommodate customers where events such as, but not limited to, traffic delays, public transportation scheduling, or changes in customers' schedules affect the appointment schedule. The petitioner shall also accommodate those customers who need to wait inside the building either before or after their scheduled appointments. This "appointment only" condition will permit "first available" (i.e., no waiting period) appointments only when a customer service representative is immediately available to serve that customer.

Six months after commencement of operations for the Marijuana Retailer authorized by this Order, the petitioner may submit a letter to the Commissioner of Inspectional Services, the Director of Planning and Development and the Clerk of the Council requesting to no longer require that all customers be served by appointments only. Such letter shall only be filed after the petitioner has completed the following:

- Met with the Director of the Transportation Division of Public Works, the Director of Planning and Development, and the Newton Police Department to discuss pedestrian and traffic safety and site security.
- Met with the Director of the Transportation Division of Public Works and the Director of Planning and Development regarding Transportation Demand Management in accordance with Condition #6 below.

3. The Commissioner of Inspectional Services and the Director of Planning and Development may administratively waive the "appointment only" requirement if they determine that the petitioner is able to maintain an orderly flow of patrons, accommodate all patrons waiting to see a customer service representative inside the building, and accommodate patron parking on site without the "appointment only" requirement. Prior to any decision on the petitioner's waiver request, the Commissioner of Inspectional Services and the Director of Planning and



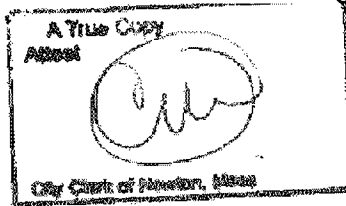
#125-21

740 Beacon Street

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Development shall consult with the Land Use Committee of the City Council regarding the waiver request in the same manner as the Land Use Committee is consulted when a "consistency" ruling on a special permit is requested from the Commissioner of Inspectional Services.

4. If the appointment only condition is removed and at any time the Director of Planning in conjunction with the Commissioner of Inspectional Services, Chief of Police, and Commissioner of Public Works, determines there is a public safety concern due to the lack of appointments, the petitioner shall meet with the Director of Planning to discuss and implement measures to address concerns, including resuming appointments during peak periods.
5. The Marijuana Retailer may only operate between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 p.m. to 6:00 p.m. on Sunday.
6. Should the petitioner seek to offer delivery operations to customers, an amendment to this special permit is required.
7. Should any line form following the possible conclusion of the appointment only condition, lines for customers waiting must form only on the internal pedestrian path on the left (east) side of the property and must not form along Beacon Street.
8. The Marijuana Retailer may not have more than five points of sale.
9. There shall not be more than nine (9) staff members on site at any one time not including delivery personnel.
10. Employees shall not park on public streets in the vicinity of the site.
11. The Marijuana Retailer shall discourage customers from parking on residential side streets via messaging on the website and signage within the store.
12. As shown on the plans referenced in Condition 1, the thirteen on-site parking stalls shall be reserved as follows:
 - a. Nine stalls shall be reserved for the petitioner's employees.
 - b. One stall, stall #1 as shown on the plans, shall be reserved for deliveries to Green Lady only.
 - c. One stall, stall #2 as shown on the plans, shall be reserved for an employee of 740A Beacon Street. Should the current restaurant no longer operate at 740A Beacon Street, the assigned stall shall not be available to any successor tenants at 740A Beacon Street and shall only be available for the petitioner's employees. The petitioner shall notify the Director of Planning and Development of such change.
 - d. Two stalls shall be reserved for the petitioner's customers with disabilities and appropriately designated as accessible stalls.
 - e. There shall be a sign at the foot of the passageway leading to the site stating, "Green Lady Parking for Customers with a disability placard and/or disability license plate, and Employees Only," or words to that effect approved by the Director of Planning and Development.
13. For at least the first six months of operation, the petitioner shall employ a parking attendant at the Union Street curb cut during all hours of operation. The parking attendant shall inform



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740 Beacon Street

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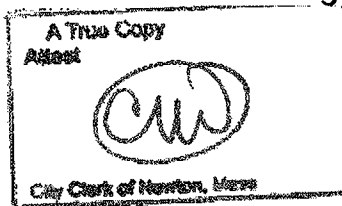
all visitors of the parking restrictions set forth in Conditions #11-12. After the first six months of operation, the Petitioner shall meet with the Director of Planning and Development to determine whether there is an ongoing need for the parking attendant. The Director of Planning and Development, in consultation with the Director of Public Works and the City of Newton Police Department, shall determine whether the parking attendant shall be continued during all operating hours, reduced to specific periods, or removed entirely. The Director of Planning and Development shall notify the Land Use Committee and Ward 6 Councilors of the decision.

If the parking attendant is reduced or removed and at any time the Director of Planning, in consultation with the Director of Public Works and the City of Newton Police Department, determines there is a public safety concern due to the reduction or removal of the parking attendant, the petitioner shall meet with the Director of Planning to discuss and implement measures to address concerns, including resuming a parking attendant during peak periods.

14. The petitioner shall install signage on site indicating that parking on site is assigned in accordance with Condition #12. The petitioner shall also communicate the parking arrangement to customers via its website and communications around appointments.
15. Prior to the issuance of a building permit, the Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site as described in a memorandum dated May 3, 2021 on file with the Planning Department and the City Clerk, to be reviewed and approved by the Division of Public Works and the Planning Department. These measures include but are not limited to:
 - a. A one-time \$5,000 payment to the City's bike share system.
 - b. \$100 transit subsidy per month per employee to cover the cost of transit, bike share, car share, NewMo rideshare, and off-site parking stipend.
 - c. Covered bicycle parking for at least eight bikes.

The Petitioner shall keep records detailing how employees are commuting to and from the site, including the number of employees utilizing transit, and using alternative methods of transportation such as the bikeshare. Two months after the commencement of operations for the Marijuana Retailer, the petitioner shall provide an update to the Director of Planning and Development and the Director of Transportation regarding the results of the petitioner's TDM Plan for employees. Should the TDM plan be deemed insufficient, the petitioner shall be required to revise the TDM plan to the satisfaction of the Director of Planning and Development and the Director of Transportation. The petitioner shall be required to meet again with the officials above at six months and at 12 months after the receipt of a temporary or a final certificate of occupancy.

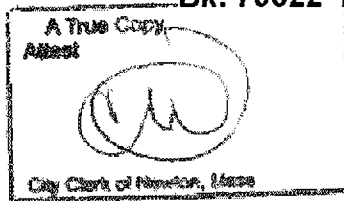
16. Security lighting shall be in accordance with the standards imposed by the Cannabis Control Commission. Additionally, security lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Site Photometric Plan identified in Condition 1 above.
17. The petitioner shall locate, secure, and screen any dumpster(s) on the site to minimize its visibility from the public way. Any dumpster(s) shall be kept closed and secured and the area surrounding the dumpster(s) shall be kept free of debris.



18. The granting of a special permit to allow a Marijuana Retailer to operate at this site applies only to the petitioner and does not run with the land. When the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Cannabis Control Commission, the Marijuana Retailer use as well as the additional relief granted by this Order shall expire.
19. Snow shall not be stored on site.
20. Should the petitioner seek to extend the Marijuana Retailer authorized by this Order, including but not limited to, increasing the number of employees, or extending the hours of operation, it shall seek an amendment to this Order.
21. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
22. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
23. The petitioner shall maintain its registration with the Cannabis Control Commission. Within one (1) week from the date of the initial and annual renewal of its registration, the petitioner shall file a copy of the same with the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department. The petitioner shall immediately notify the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department if its registration is not renewed or is revoked.
24. In order to provide information to the City regarding the operation of the Marijuana Retailer and the effectiveness of the mitigations and conditions imposed through this Council Order, the petitioner shall monitor the Marijuana Retailer's operation in the following areas and at the following intervals, and shall provide reports summarizing such monitoring to the Commissioner of Inspectional Services and the Director of Planning and Development, and such reports shall also be filed with the Land Use Committee of the City Council:
 - a. Within six (6) months and again at twelve (12) months of commencing operations of the Marijuana Retailer, a report on pedestrian and traffic safety concerns, if any, that may have arisen from the operation of the Marijuana Retailer and on the issue of the security of the facility itself, as well as a report on the number of customers coming to the site and the peak times when customers are at the site.

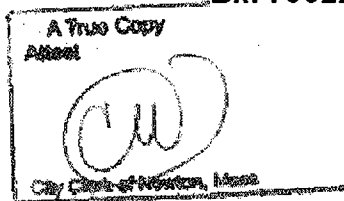
If the Commissioner of Inspectional Services and Director of Planning and Development have concerns and/or find that the reports raise concerns regarding the security of the facility or regarding public safety, including pedestrian or traffic safety, created by the operation of the Marijuana Retailer at this site, the petitioner shall meet with the Director of Planning to see if further mitigations on the operation of the Marijuana Retailer are warranted to address such public safety or security of the facility concerns.

25. Prior to the issuance of any building permit, the petitioner shall submit engineering site plans for review and approval to the City Engineer, the Director of Planning and Development, and the Commissioner of Public Works for the internal improvements within the site of a stamped colored asphalt pedestrian passageway as shown in "Exhibit 1A, Conceptual Intersection



Improvements Beacon Street at Union Street, Newton MA" dated October 25, 2021. Prior to the issuance of any certificates of occupancy, and at the petitioner's sole cost and expense, the petitioner shall complete this work in accordance with the approved plans.

26. Three months after recording this special permit, the petitioner shall submit engineering plans for review and approval to the City Engineer, the Director of Planning and Development, and the Commissioner of Public Works for the improvements at the intersection of Union Street and Langley Road as shown in "Exhibit 1A, Conceptual Intersection Improvements Beacon Street at Union Street, Newton MA" dated October 28, 2021. Such plans shall indicate that the southwest corner of the intersection complies with ADA/MAAB regulations and the petitioner shall be responsible for securing a waiver or updating the ramp as necessary. Prior to the issuance of a final certificate of occupancy, and at the petitioner's sole cost and expense, the petitioner shall complete this work in accordance with the approved plans. The Commissioner of Public Works shall inspect and approve the improvements upon completion.
27. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved security plan to the City of Newton Police Department for review and approval.
28. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved emergency response plan to the City of Newton Fire Department for review and approval.
29. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved Operation and Management plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.
30. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Pest Control Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
 - d. Prior to issuance of the certificate of occupancy, the Pest Control Operator shall file a final report with the Department of Planning and Development, Inspectional Services Department and the Health and Human Services Department summarizing the methods



used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site and neighborhood assessment.

- e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the petitioner shall offer and provide, at its sole cost and expense, rodent abatement services on an as needed basis for all direct abutters and abutters to direct abutters, subject to owner authorization of such properties and a waiver of liability.

31. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor of the project.
- b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Mayor or designee.
- c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
- d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
- e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all trucks and construction vehicles before exiting the site.
- f. Proposed methods of noise, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
- g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
- h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

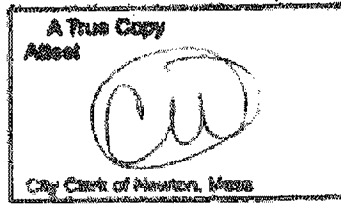
32. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

- a. Recorded a certified copy of this Council order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
- b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.



- c. Received approval of the final engineering, utility, and drainage plans for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, Department of Public Works and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - e. Submitted plans to the appropriate City Departments for review and approval in accordance with Conditions #25-26
33. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
 - e. Submitted to the Director of Planning and Development evidence of completion of off-site improvements in accordance with Conditions #25-26.
34. Notwithstanding the provisions of Condition #33 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
35. Notwithstanding the provisions of Conditions #26 and 33 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of the off-site improvements provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site improvements to secure completion of off-site and internal site improvements.

Under Suspension of Rules
Readings Waived and Approved
23 years 0 days 1 absent (Councilor Markiewicz)



#125-21
740 Beacon Street
Page 11 of 11

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 22, 2021. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on December 22, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

512.99

Kirkpatrick & Lockhart LLP

75 State Street
Boston, MA 02109-1808
617.261.3100
www.kl.com

Howard A. Levine
617.951.9290
Fax: 617.951.9151
hlevine@kl.com

December 6, 1999

Edward G. English, City Clerk
Newton City Clerk's Office
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Attention: Linda Finucane, Assistant City Clerk

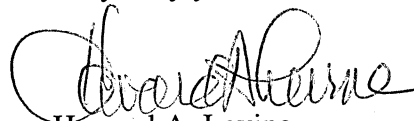
Re: 275 Grove Street, Auburndale

Dear Mr. English:

Enclosed is a Special Permit Application for signage for the 275 (269) Grove Street building, (Special Permit #40-97(2)), together with the filing fee of \$750.00 and 15 folded set of plans.

Please notify us of the date and time for the public hearing. Thank you very much.

Very truly yours,


Howard A. Levine

HAL:jec
Encs.

5519093-0:335319 v1

1999 DEC -6 1 AM 9:16
CITY CLERK
NEWTON, MA. 02159

512.99

DATE December 6, 1999

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON:

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 1995, as amended or any other sections (PLEASE REFERENCE SECTIONS): 30-11; 30-20; 30-20(F); 30-20(1); 30-23; 30-24

(CHECK APPROPRIATE REFERENCE)

PETITION FOR: Special Permit/Site Plan Approval
 Extension of Non-conforming Use and/or Structure
 Site Plan Approval

RECEIVED
CITY CLERK
NEWTON, MA 02159
DEC-6 AM 9:15

STREET/WARD 269 (275) Grove Street, Auburndale, Ward 4

SECTION(S) 43 BLOCK(S) 29 LOT(S) 24

APPROXIMATE SQUARE FOOTAGE 487, 578 square feet

TO BE USED FOR: Signage

CONSTRUCTION: Fieldstone wall; pin mounted metal letters.

EXPLANATORY REMARKS: See Attached "A".

LAND IS LOCATED IN Business 4 ZONED DISTRICT.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the Board of Aldermen in connection with this application.

PETITIONER (PRINT) EOP-Riverside Project LLC

SIGNATURE _____

ADDRESS AND TELEPHONE 2 North Riverside, Chicago, Illinois 60690-3879

Attention: Chief Legal Officer
(781) 235-5140

ATTORNEY OF RECORD Howard A. Levine, Esq.,

Kirkpatrick & Lockhart LLP

ADDRESS AND TELEPHONE (DAY & EVENING) 75 State Street

Boston, MA 02109 (617) 951-9290

NAME, ADDRESS AND EOP-Riverside Project LLC

SIGNATURE OF OWNER _____

PLANNING AND DEVELOPMENT DEPARTMENT'S ENDORSEMENT:

DEPARTMENT OF
PLANNING AND DEVELOPMENT
CITY HALL
1000 Commonwealth Avenue
NEWTON, MA 02159
OVER

12.6.99

512.99

Attached "A"

A building identification monument sign is proposed to be located on a fieldstone wall at the edge of the landscape garden, at the driveway to the main entrance. "RIVERSIDE CENTER" and "275 GROVE STREET" are proposed as pin mounted metal letters. The Equity Office logo and the building logo are also on pin mounted metal letters mounted to the fieldstone wall. The entire wall will be illuminated from the front with lighting from the landscaping surrounding the wall. This requires a special permit under Section 30-20(1). The sign is 30 square feet in area.

Two tenant identification signs of 50 square feet in area each are proposed to be mounted on the building's brick facade. Each sign consists of push thru acrylic letters on a metal background panel and each will be illuminated from the back providing a "halo" affect. The first is located on the east facade of the portion of the building to the north of the atrium facing Grove Street. The other sign is mounted on the south facade of the portion of the building located to the south of the atrium, facing the parking lot and the Riverside MBTA station. These signs are allowed "As-of-Right" under the Zoning Ordinance Section 30-20(f)(2).

City of Newton Abutter List: 512-99 Printed: December 23, 1999 Page: 1

SBL	NAME	ADDRESS
43028 0024	BAUMGARTNER KENNETH J & ERIN D	20 NORUMBEGA CT
43028 0021	BERMAN MARJORIE	245 GROVE ST
43025 0001	BRANDSTEIN MARK A & FERN D STARR	400 CENTRAL ST
43030 0005	BUTCHARD EDWARD F	228 GROVE ST
43025 0016	CADMAN ALAN J	59 OAKWOOD RD
43028 0019	CHEN JIANN-NENG	20 RADCLIFFE RD
43027 0009	CHEUNG BEN & STAR	63 WILLISTON RD
43027 0005	CHEUNG CHING SAN	42 OAKWOOD RD
42011 0002	COMMONWEALTH OF MASSACHUSETTS	20 SOMERSET ST
43028 0001	DUFFY JAMES W & CYNTHIA S	88 WILLISTON RD
43025 0011	DWYER ALAN D	37 OAKWOOD RD
43028 0002	GLASS LEONARD L & PEGGY KOHN	72 WILLISTON RD
43028 0003	GLASS LEONARD L & PEGGY KOHN	72 WILLISTON RD
43027 0010	GRAHAM WILLIAM B JR TR	73 WILLISTON RD
43030 0004	GRANESE SHERREN M & ANTHONY	232 GROVE ST
43029 0022	GROSS IRA K	399 CENTRAL ST
43030 0002	HOLCOMB JOHN & AMY	242 GROVE ST
43046 0008	IODICE MICHAEL F JR TR	29 CRAFTS ST SUITE 250
43027 0004	KAPLAN PAUL L	46 OAKWOOD RD
43029 0023	KAY MONTE S & PAULA S	407 CENTRAL ST
43030 0023	LASELL COLLEGE	1844 COMMONWEALTH AVE
43030 0024	LEONARD STEPHEN	248 GROVE ST
43030 0001	LEONARD STEPHEN	248 GROVE STREET
43029 0018	LEVINE HERBERT O & NANCY M	379 CENTRAL ST
43025 0001C	LEVY RICHARD I & KAREN SHAFFER	406 CENTRAL ST
43027 0002	LYNDE DONALD C & BARBARA A	86 30 241ST ST
43046 0009	MASS BAY TRANS AUTHORITY	150 CAUSEWAY
42011 0003	MASS BAY TRANS AUTHORITY	355 GROVE ST
42009 0003	MASS BAY TRANS AUTHORITY	150 CAUSEWAY ST
43029 0019	MASSACHUSETTS TURNPIKE AUTHORITY	80 BOYLSTON ST
42011 0001B	MASSACHUSETTS TURNPIKE AUTHORITY	80 BOYLSTON ST
43025 0015	MILLER ELIZABETH A	51 OAKWOOD RD
43025 0014	MILLER ELIZABETH A	51 OAKWOOD RD
43030 0003	ONANIAN DANA L	238 GROVE ST
43027 0001	PARADISO NICHOLAS A & LUCY E	62 OAKWOOD RD
43028 0020	PIESCIK WALTER J	233 GROVE ST
43028 0023	PRAKASH MAYANK & ARCHANA	19 NORUMBEGA CT
43029 0024	RIVERSIDE PROJECT LLC	P O BOX A3879
43029 0020	SANGIOLO JOHN & AMY MAH	387 389 CENTRAL ST
43028 0018	TINER RALPH W & BARBARA J	P O BOX 612
43027 0006	VACCARO JOSEPH P & PATRICIA A	36 OAKWOOD RD
43025 0001A	WATSON RON P & SUSAN BAZETT	378 CENTRAL ST
43025 0013	WEINER PATRICIA	45 OAKWOOD RD
42009 0007	WOODLAND GOLF CLUB OF AUBURNDALE	1897 WASHINGTON ST
43028 0022	YEAW JOYCE	11 NORUMBEGA CT

CITY OF NEWTON
PUBLIC HEARING NOTICE
FOR
TUESDAY, JANUARY 11, 2000

Public Hearings will be held on TUESDAY, JANUARY 11, 2000 at 7:45 PM, Second Floor, NEWTON CITY HALL, before the LAND USE COMMITTEE of the BOARD OF ALDERMEN for the purpose of hearing the following petitions, at which time all parties interested in these items shall be heard.

Notice will be published Tuesday, December 28, 1999 and Tuesday, January 4, 2000 in the NEWS TRIBUNE and on Thursday, January 6, 2000 in the NEWTON TAB, with a copy of said notice posted in a conspicuous place at Newton City Hall. Copies of petitions are on file in the office of Board of Aldermen.

#510-99 CATHOLIC CHARITIES-ARCHDIOCESE OF BOSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING STRUCTURE to add a new elevator for handicapped accessibility at 295 Rear ADAMS STREET, Ward 1, NEWTON, on land known as Sec Blk Lot , containing approximately 291,058 sf of land in a district zoned MULTI-RESIDENCE 2. REF: 30-24, 30-23, 30-21(a)(3)b) of the City of Newton Zoning Ords., 1995.

#511-99 MARK & STEVEN J. DONATO petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE/STRUCTURE to enclose approximately 3,200 sf of existing 2' above street level open showroom space, located above existing garages at 1197-1213 WASHINGTON STREET, Ward 3, WEST NEWTON, on land known as Sec 31, Blk 6, Lots 13, 14, 15, containing approximately 43,941 sf of land in a district zoned BUSINESS 1 and 2. REF: 30-24, 30-23, 30-21, 30-20, 30-19(m), 30-15, 30-11(g)(3), of the City of Newton Rev. Zoning Ords.

#512-99 EOP-RIVERSIDE PROJECT LLC petition for building identification monument signage on a fieldstone wall 269(275) GROVE STREET, Ward 4, AUBURNDALE, on land known as Sec 43, Blk 29, Lot 24, containing approximately 487,578 sf of land in a district zoned BUSINESS 4. REF: 30-24, 30-23, 30-11, 30,20(f) and (l) of the City of Newton Rev. Zoning Ords.

#513-99 CHESTNUT HILL SCHOOL INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE for new parking and driveway layout and enhanced landscaping, as approved in Certificate of Hardship, and picket fence and relocation of play structures, as approved in Certificate of Appropriateness issued by the Chestnut Hill Historic District Commission on June 17, 1999, for 428 HAMMOND STREET, Ward 7, CHESTNUT HILL, on land know as Sec 63, Blk 31, Lot 10, containing approximately 208,087 sf of land in a district zoned SINGLE RESIDENCE 1. REF: 30-24, 30-23, 30-21, 30-20, 30-19, 30-19(m), 30-15, 30-8, 30-5 of the City of Newton Rev. Zoning Ords., 1995.

LAND USE COMMITTEE PUBLIC HEARINGS

TUESDAY, JANUARY 11, 2000

Page 2

- #398-99(2) SPRINT SPECTRUM LP d/b/a SPRINT PCS/NEWTON HIGHLANDS CONGREGATIONAL CHURCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL for the installation and operation of a wireless telecommunication facility on the façade of the Newton Highlands Congregational Church at 54 LINCOLN STREET, Ward 6, NEWTON HIGHLANDS, on land known as Sec 52, Blk 41, Lot 3, in a district zoned SINGLE RESIDENCE 2. REF: Sec 30-24, 30-23, 30-18(A)(e)(3) of the City of Newton Rev. Zoning Ords.
- #397-99(2) HOLLY CLEANERS/JUDITH L. DAVIDSON petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING STRUCTURE for a second-floor addition exceeding 24' in height and a waiver of parking at 1314 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Blk 12, Lot 1A, containing approx 8,945 sf of land in a district zoned BUSINESS 2. REF: Sec 30-24, 30-23, 30-19(m), 30-15 Table 3 of the City of Newton Rev Zoning Ords.

Attest:

Edward G. English, City Clerk



City of Newton, Massachusetts
 Department of Planning and Development
 Michael J. Kruse, Director

512.99
 Telephone
 (617) 552-7135
 Telefax
 (617) 965-6620
 E-mail
 mkruse@ci.newton.ma.us

David B. Cohen
 Mayor

Public Hearing Date: January 11, 2000
 Land Use Action Date: March 14, 2000
 Board of Aldermen Action Date: March 20, 2000
 90-Day Expiration Date: April 10, 2000

2000 JAN -7 PM 3:21
 CITY CLERK
 NEWTON, MA. 02459

TO: Mayor David B. Cohen
 Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
 Kenn Eisenbraun, Senior Planner/ Landscape Designer

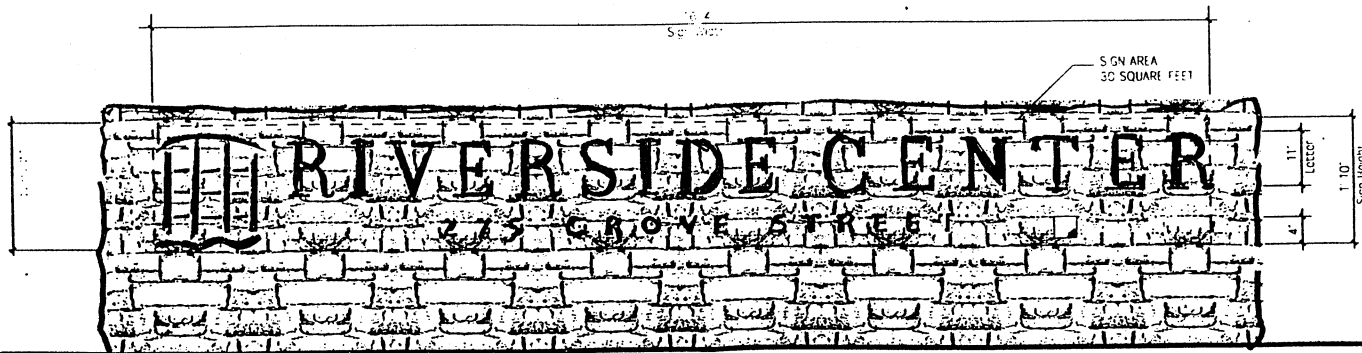
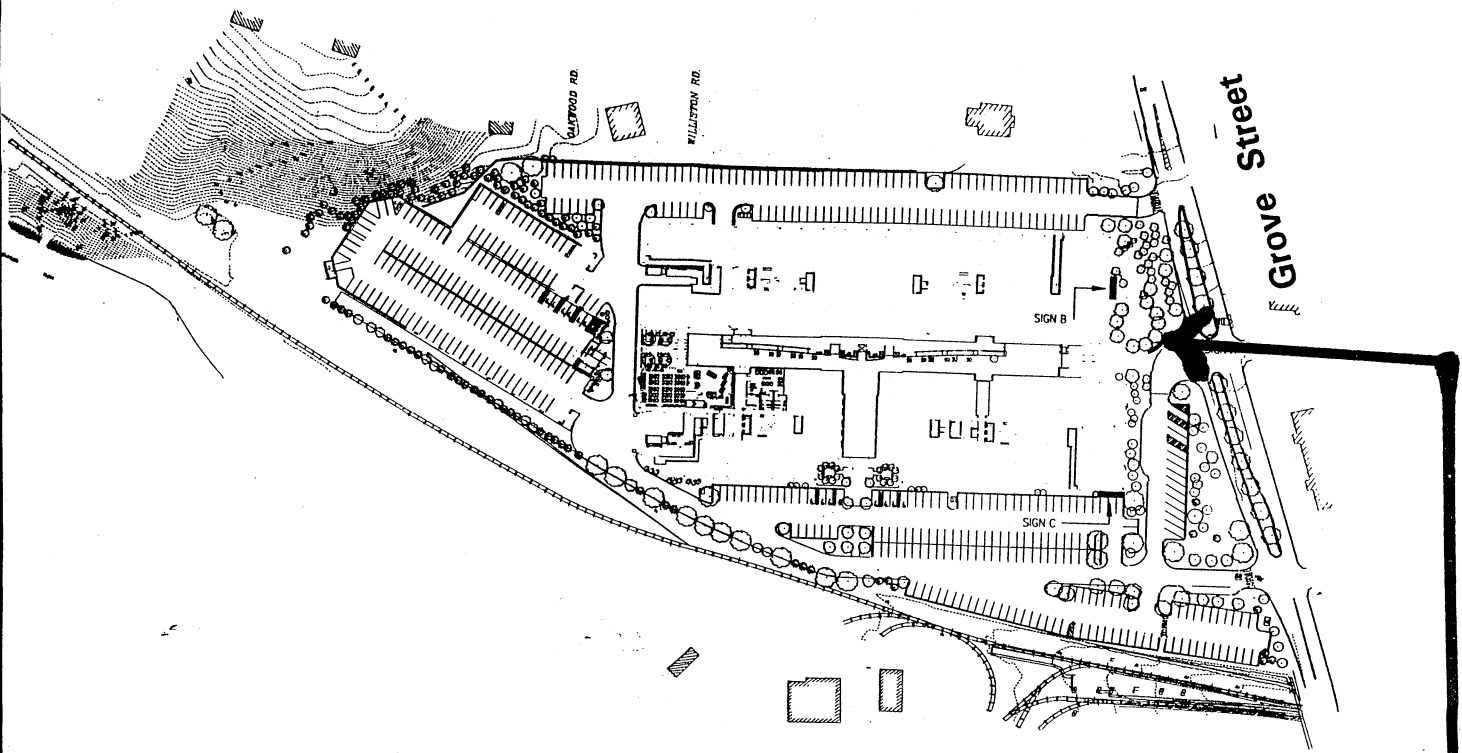
SUBJECT: Petition #512-99 of EOP- RIVERSIDE PROJECT LLC requesting a SPECIAL PERMIT/SITE PLAN APPROVAL to erect a free-standing monument identification sign to be located on a natural stone wall at 269 (275) GROVE STREET, Ward 4, Auburndale, on land known as Section 42, Block 29, Lot 24 containing approximately 487,578 sq. ft. of land in a Business 4 District.

The purpose of this memorandum is to provide the Mayor, Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department 's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The petitioner is requesting a special permit to erect a sign on a newly constructed curved fieldstone wall located in a landscaped area to the right of the main driveway entrance to the site. This fieldstone wall will be angled towards the entrance drive and the traffic coming from the west on Grove Street. The sign will be comprised of pin mounted metal letters approximately 11" in height. The lettering will read "Riverside Center" (11" high) and "275 Grove Street – Equity Office" (4" high).

A simple, well-designed logo approximately 1 ft. 10" high will also be located on the wall. The total area of the lettering will be approximately 30 sq. ft. in area. Lighting from the base of the wall will externally illuminate the lettering on the wall. The petitioners will also



Proposed 30 sq. ft. Sign

To be located on stone wall at entrance drive.

**CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development**

Petition: #512-99

Business 4 District

Petitioner: EOP – RIVERSIDE PROJECT LLC

Petition: Free-Standing Sign

be erecting 2 as-of right, 50 sq. ft. signs on the building façade, which together with the proposed free-standing monument sign on the fieldstone wall have been reviewed and approved by the Urban Design and Beautification Commission.

II. BACKGROUND

Board Order #40-97(2) allowed the redevelopment of a 600,000 sq. ft. manufacturing warehouse and office building to be used as a 5 story office building. The redevelopment of this existing building included reducing the size of the existing building by approximately 103,00 sq. ft. and the addition of an 8 level parking structure, including 2 levels below grade, on the northern end of the building. The office building also includes an accessory restaurant with not more than 50 seats for the use of employees in the building.

III. SIGNIFICANT ISSUE FOR CONSIDERATION

The primary issue for the Board to consider is whether an additional free-standing sign for public identification is necessary.

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The site consists of a 487,578 sq. ft. triangular shaped parcel of land adjacent to the MBTA Riverside station. The parcel is primarily level with a steep grade change on its northeastern corner, which slopes upward approximately 65 ft. to higher ground. The redeveloped warehouse (now office) building occupies the major area of the front and middle portions of the site. The office building is set back approximately 38 ft. from Grove Street. Linear parking lots run along both sides of the building. A new parking structure is located at the rear of the building. Though not completed, the new office building will provide extensive landscaped islands along the front of the building facing Grove Street.

B. Neighborhood

To the west of the site is the MBTA Riverside station (zoned Public Use), a Holiday Inn (zoned Business 5) and Route 128. The MBTA Green line tracks run along the southeast portion of the site. Immediately to the west of the rear portion of the site and part of the MBTA land is a steeply sloped (45 ft. elevation change) area leading to the Charles River which is approximately 100 ft. to the west. Immediately to the north is a spur of a rail line that belongs to the MBTA. Further to the north is the commuter rail line.

To the east of the site are several residential areas zoned Single Residence 3. Central Street lies to the east of the rear portion of the site and is at an elevation almost 80 feet above the site. The Oakwood Road and Williston Road neighborhoods are about 15 feet above the elevation of the site. The houses at the ends of the street are close to the property line of the site. Across Grove Street to the south is a Multi-Residence 2 District with a 126 unit garden apartment complex. Further to the south is the Woodland Country Club.

V. ANALYSIS

A. Technical Considerations

The following table compares the dimensional requirements of the ordinance with the free-standing sign proposal:

	Ordinance	Proposed
Sign Size	35 s.f.	30 s.f.
Sign Height	16 ft. max.	3.5 ft. approx. to top of wall
Sign Width	10 ft max.	16 ft. length of lettering on wall

As can be seen from the table above, the proposed sign is proposed to be mounted on a stone wall approximately 3.5 ft. high, approximately 12.5 ft lower than the 16 ft. maximum allowed by the ordinance and, therefore, does not exceed the ordinance requirement for height.

Although the length of lettering on the wall (the sign) exceeds the 10 ft. maximum width allowed by the ordinance, the overall size of the proposed sign is 5 sq. ft. less than the 35 sq. ft. maximum allowed by the ordinance. Even though the width is greater than allowed, the linear arrangement of the lettering does provide for improved readability. Section 30-20(l) allows the Board of Aldermen to grant exceptions to the dimensional requirements of the ordinance if it is determined that such exceptions would be in the public interest.

B. The Urban Design and Beautification Commission

The members of the Urban Design and Beautification Commission have approved the as-of-right wall signs for two tenants that will occupy the major portions of this building. The Commission also felt the proposed free-standing sign on the fieldstone wall was appropriate and recommended approval of this sign as presented.

C. Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement.

The proposed free-standing sign is located at motorist eye level and may assist visitors to quickly identify the premises and proceed to the parking areas.

2. Avoidance of major topographical changes and soil removal.

The proposed free-standing sign will not require additional grade changes to the site not previously planned for the proposed landscaping.

D. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

Other than the landmark quality of the building's scale, there are only two tenant identification wall signs on the upper portions of the façade to identify this building. A low free-standing sign located at the entrance to this site would appear to be helpful to motorists.

2. There will be no nuisance or serious hazard to vehicles or pedestrians.

The proposed free-standing sign should assist motorists and pedestrians and should not create additional hazardous conditions.

V. SUMMARY

The proposed free-standing sign is attractive and well designed. The metal lettering and logo are clearly rendered. The fieldstone wall on which the letting is mounted faces the west, as most of the traffic for this site will be coming from Rt. 128. The wall is also an appropriate design element and, at approximately 3 ft. in height, will be at motorist eye level. Integrated within the landscape by the fieldstone wall, the proposed standing sign appears to be an appropriate. The Urban Design and Beautification Commission has recommended both the as-of-right wall signs and the proposed free-standing sign.

Should the Board choose to approve this petition, the Planning Department suggests that the lighting for the new free-standing monument sign be concealed within the landscaping fronting the wall so that the lighting source is not visible.



David B. Cohen
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Michael J. Kruse, Director

512.99

Telephone
(617) 552-7135

Telefax
(617) 265-6620

Mail
mkuse@ci.newton.ma.us

RECEIVED
CITY CLERK
NEWTON, MA 02459
FEB - 8 PM 11:44

MEMORANDUM

To: Land Use Committee of the Board of Aldermen
Fr: Michael J. Kruse, Director, Planning and Development Department
**RE: Reply to Questions Raised During the January 2000 Land Use Hearing /
Special Permit Petitions**
Date: February 4, 2000

In response to queries raised for each land use petition that was heard during the January 11, 2000 Land Use Committee hearing and in preparation for the Committee's Tuesday, February 8, 2000 working session, the Planning Department has prepared the following list of answers and clarifications on the respective land use memoranda.

PETITION # 510-99, CATHOLIC CHARITIES

- **The Non-Conformity of the Height:** The 46' height refers to the non-conforming height of the front portion of the structure and not the proposed elevator, which has a height of 30'. It should be noted that an elevator penthouse can be 15' higher than the roof line, and would need to be over 53' in height to be a factor. Regarding ADA, the Law Department felt that the statute (MGL 40A s.3) was specific "shall apply to handicapped access ramps", and that the elevator would need to meet dimensional requirements.

**PETITION #511-99, (DONATO CAR DEALERSHIP - 1197 - 1213
WASHINGTON STREET)**

The Inspectional Services Department was requested to make a determination in response to the questions posed by the Board regarding the non-conformities of this site. The information below was distilled from a January 27th memo from Peter Bronson, Zoning Administrator:

- The Existing Non-Conformities of the Site:

Front Setback:

“The required front setback is (the average of the setbacks f the building nearest thereto on either side). It appears from the ISD memo that the required setback for the existing building would be 10 ft. Since the building is located almost on the front lot line, it appears to have a non-conforming front setback.

Side Setback:

“The required side setback is (one-half the building height or a distance equal to the side yard setback of the abutting property at any given side yard). For the purposes of implementing this provision, each side setback requirement must be calculated separately.”

Though ISD did not indicate if any of the side setbacks are non-conforming, it appears from the plans provided by the petitioner that the eastern side setback on the rear half of the central lot is non-conforming. This rear half of the lot contains the rear portion of the “L-shaped” building. The building is approximately 3-4 ft. from the lot line. This would make this side setback non-conforming since it does not equal “one-half the building height”.

Rear Setback:

Since the rear lot line abuts a Multi-Residence 1 district, the required rear setback is “½ the building height or 15 ft., whichever is greater.” Because the building is located toward the front of the site, it conforms to the required setback.

Non-conforming Use:

According to ISD the sale and display of cars has been allowed by special permit only since 1951. ISD has determined that the current use is non-conforming and requires a special permit for any expansion or extension of use.

In general, the Zoning Administrator felt that it was the responsibility of the petitioner’s architect and land surveyor to answer the questions about the exact nature of the non-conformities of this site. ISD, therefore, made no stated determinations on the non-conformities of the petitioner’s site.

- The Clarification of Gross Floor Area:

The existing outside display area can not be counted as GFA since it does not meet the criteria for the definition of GFA ...”the floor area within the perimeter of the outside walls of the building...”

If this outdoor display area is being enclosed with walls and a roof, it is being converted to gross floor area.

• **Conditions from Previous Board Orders:**

There appears to be only one Board Order with conditions for this site. The following conditions were taken from Board Order in the Planning Department Files:

Board Order #193-58 (two conditions only)

1. That the front three units have four 40-watt bulbs each in one-half circle lights all facing into the parking area and all other lights to be shown on the plan on file in the City Clerks office with this petition. All lights to be shaded with white milk glass and the tubing to be white fluorescent.
2. That all lights are to be off at 9:30 P.M. and that there are to be no lights whatsoever on the parking lot on Sundays.

PETITION #512-99, (EMPLOYMENT EQUITY & RIVERSIDE CENTER)

The petitioner is providing an example of the stone wall. The petitioner has indicated that that the fieldstone wall could be quickly repaired in the event of any damage due to the type of material that it is comprised of.

The petitioner has also provided examples of the letter size and believes that the proposed adjusted size of the lettering will be more legible.

The petitioner has addressed the lighting concerns of the Aldermen in the following manner:

Lighting of the building signs will go off at 10:30 P.M.

Lighting for the fieldstone wall sign will be on a timer to illuminate at dusk and to automatically turn off at dawn.

PETITION #513-99 CHESTNUT HILL SCHOOL, INC – 428 HAMMOND STREET

- Asphalt coverage for proposed parking area: The proposal calls for a net increase of 3,655 sq. ft. of asphalt in front of the school building to accommodate the reconfigured parking area. The net increase does not include the concrete platforms that will be removed during the relocation of the play areas. If the concrete platforms were included in the net increase calculations for hard surfaces, the petitioner would be adding a total of 963 sq.ft. of hard surface on the site.

Despite the additional paved covering, the proposal calls for an additional 1,200 sq.ft. of landscaping/green open space that will be added to the island that lies within the Essex Street vegetative buffer zone and because there is a reduction of three parking spaces from what currently exists in the buffer zone, there will be a decrease of 500 to 600 sq.ft. of pavement within the buffer zone.

- Clarification of Changes within the Vegetative Buffer Zone (net decrease of parking spaces within the front setbacks): Details of the site will be reviewed during the working session to illustrate the existing and proposed parking spaces within the buffer zone.
- Extension of the Essex Road Island Curb: The land use memo incorrectly noted that the petitioner would extend the curb of the Essex Road island further out onto Essex Road to match with the curb line to the north and south. The Essex Road curb will not be altered.
- Illustrations of proposed parking area / visual impact: Please refer to the photos and renderings of the proposed parking area in the April 13, 1999 proposal document submitted by the petitioner under Petition # 119-99.
- Protection of existing trees and landscaping: The proposal does not call for the removal of any tree on the site. The petitioner has submitted a report dated May 13, 1999 on the state of the existing trees and landscaping on the site. The land use memorandum's condition to replace trees is conditional on the future removal of a tree and not on any stated plan to remove existing species.

According to the City's Parks and Recreation Department (conversation with Richard Metro on 4 February 2000), the impact of the proposed parking area improvements on the Black Oak Tree (located half way up on the right of the south side of the current driveway) cannot be fully assessed until the petitioner discusses the details of the construction around the tree with Mr. Metro.

Finally, Mr. Metro noted that he should be present during the construction and placement of the new play areas to be located on the southeasterly side of the school's lot.

- Results of Existing Incentives for Alternate Means of Transportation/Commuting: The Chestnut Hill School reports that since the 1999 implementation of the carpooling program, the number of students travelling to the school in carpools has risen from 10% to 23%. Furthermore, the School administration provides eight staff members with MBTA monthly passes as a promotion of public means of transportation. Similarly, the school claims that the estimated overall impact of their Transportation Demand Management program is a reduction in site traffic of 100 vehicle trips per day.

- Student Enrollment: The proposed renovations to the parking area are not linked to the number of students enrolled in the school. The parking area is reserved for school staff and visitors. The number of spaces proposed is greater than the required number of grandfathered spaces (1 space for 2 employees). The proposed parking area is intended to increase traffic and pedestrian safety at the school entrance since the current configuration lacks clearly defined parking, pedestrian and drive-through areas.
- The Striping of the Proposed Perpendicular Parking Spaces: The City's Traffic Engineer provided a verbal confirmation to the Planning Department that the proposed perpendicular parking configuration would work equally well as the alternative angle striping configuration.

#512-99

CITY CLERK
NEWTON, MA. 02159

2000 MAR -2 PM 3:56

CITY OF NEWTON
IN BOARD OF ALDERMEN

February 22, 2000

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the placement of the proposed freestanding sign will improve access to the site and therefore improve public safety.
2. The Board finds that the proposed freestanding sign will create an appropriate means of identifying the main entrance to the site buildings.
3. The Board finds that the fieldstone wall blends in with the site landscaping.
4. The Board finds that the fieldstone wall is appropriate to the scenic road on which the development is located.

PETITION NUMBER: 512-99

PETITIONER: EOP – Riverside Project LLC

LOCATION: 269 (275) Grove Street, Ward 4, Section 43, Block 29, Lot 24, containing approximately 487,578 sq. ft. of land.

OWNER: EOP – Riverside Project LLC

ADDRESS OF OWNER: 2 North Riverside
Chicago, Illinois 60690

TO BE USED FOR: Freestanding sign

CONSTRUCTION: Fieldstone wall and pin-mounted, metal letters.

EXPLANATORY NOTE: Section 30-20(1) allows the Board of Aldermen to grant a special permit to allow standing signs with exceptions to the limitations on the size, (length of sign), of signs.

Land referred to is located in a Business 4 District.

Approved, subject to the following conditions:

1. The standing sign shall be located and constructed consistent with plans entitled, "Proposed Sign Locations, Plan Diagram Main Entrance Stone Wall, Sign A, dated 12/6/99", submitted by the petitioner and filed herewith.
2. The petitioner shall be permitted to modify the stroke width of the lettering on the fieldstone wall sign.
3. Lighting for the fieldstone wall sign will be on a sensor to illuminate at dusk and to automatically turn off at 10:30 p.m.
4. All conditions of Special Permit Board Order #40-97(2) except as expressly modified by this board order with regard to freestanding sign shall remain in effect.
5. No building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules

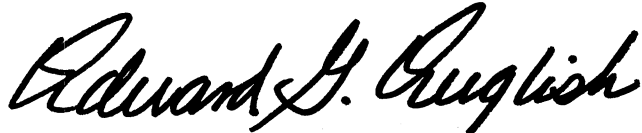
Readings Waived and Approved

21 yeas 0 nays 2 absent (Ald. Baker and Salvucci) 1 excused (Ald. Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on March 2, 2000. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL

PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 3/2/2000 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen